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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/766,959

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Kyung-geun Lee

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11/15/2007

STEIN, MCEWEN & BUI, LLP

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EXAMINER

COLEMAN, VANESSA V

ART UNIT

PAPER NUMBER

2627

MAIL DATE

DELIVERY MODE

11/15/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/766,959	Applicant(s) LEE, KYUNG-GEUN	
	Examiner Vanessa (Brandi) Coleman	Art Unit 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 33,35 and 39-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 33,35 and 44 is/are allowed.
- 6) ☒ Claim(s) 39-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see page 5, filed 10 August 2007, with respect to claims 33, 35 and 44 have been fully considered and are persuasive. The rejection of claims 33, 35 and 44 has been withdrawn.

1. Applicant's arguments, see pages 5 and 6, filed 10 August 2007, with respect to the rejection(s) of claim(s) 39-44 under 35 U.S.C. 102(e) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Shoji et al. US Patent No 7170841 (hereafter "Shoji"), in further view of Lee et al., US Patent NO 7085221 (hereafter "Lee").

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 39 and 43 are rejected under 35 U.S.C. 102(b) as being anticipated by Shoji et al., US Patent No 7170841.

Regarding Claim 39, Shoji discloses an apparatus to reproduce and/or record

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data from an optical information storage medium including a plurality of areas (Fig. 3, "recording/reproduction apparatus 300"), comprising: a pick-up unit ("optical head 303") to reproduce and/or record data from and/or on the plurality of areas of the optical information storage medium; and a controller ("CPU 309") to control the pick-up unit to reproduce and/or record data ([0070]) in the form of pit patterns from and/or on the plurality of areas including a first area ("disc information area 107"), a second area ("data area 110"), and a transition area ("spare area 109") positioned between the first and second areas in order to distinguish the first area from the second area (Fig. 1, areas 107, 108, 109, 111, 112, and 113), wherein a first track pitch of the first area is different from a second track pitch of the second area ([0079]).

Regarding Claim 43, Shoji discloses the apparatus of claim 39, wherein the first area and the second area are not the same type and are one of a burst cutting area (BCA), the lead-in area, the user data area, and the lead-out area (see Fig. 1).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 40-42 are rejected under 35 U.S.C. 103(a) as being obvious over Shoji et al, US Patent No 7170841 (hereafter "Shoji"), in view of Lee et al, US Patent No 7085221 (hereafter "Lee").

5.

The applied reference has a common inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not an invention "by another"; (2) a showing of a date of invention for the claimed subject matter of the application which corresponds to subject matter disclosed but not claimed in the reference, prior to the effective U.S. filing date of the reference under 37 CFR 1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application and reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance with 37 CFR 1.321(c). This rejection might also be overcome by showing that the reference is disqualified under 35 U.S.C. 103(c) as prior art in a rejection under 35 U.S.C. 103(a). See MPEP § 706.02(l)(1) and § 706.02(l)(2).

Regarding Claim 40, Shoji discloses the apparatus of Claim 39. Shoji does not disclose that the controller controls the pick-up unit to read a first pit pattern from the first area, and a second pit pattern from the second area.

Lee discloses an optical information storage medium wherein data is recorded and reproduced to/from a plurality of areas. Lee further discloses that data is recorded in a first area with a first pattern and in a second area in a second pattern (see Figs. 5A-5C) and the first and second areas are distinguished by a transition area, where the different areas feature different frequencies. Therefore, it would have been obvious to one of ordinary skill in the art to modify the optical information storage medium of Shoji with the data patterns of the optical information storage medium of Lee, the motivation being to achieve increased readability of a read/write signal of a reproducing apparatus (See Lee, Col. 4, lines 53-67).

Regarding Claim 41, Shoji in view of Lee disclose the apparatus of Claim 40, wherein the first and second pit patterns each include one of a straight single pattern, a straight random pattern, a straight specific pattern, a wobbling single pattern, a wobbling random pattern, a wobbling specific pattern, and no pit patterns (see Lee, Figs. 5A-5C; where the claimed feature is met in light of the "one of" limitation).

Regarding Claim 42, Shoji in view of Lee disclose the apparatus of Claim 41, wherein amplitudes of the wobbling patterns gradually increase or decrease (where claimed feature is met because claim 41 was met by the reference's straight pattern and no pit pattern, claim 42 merely defining a characteristic of claim 41's wobble pattern).

Allowable Subject Matter

6. Claims 33, 35, and 44 are allowed.
7. The following is an examiner's statement of reasons for allowance: The prior art of record, alone or in combination, fails to disclose a reproducing and/or recording apparatus for use with an optical information storage medium including a lead-in area, a user data area, and a lead-out area, comprising: a pick-up unit which reproduces and/or records data from and/or on the optical information storage medium; and a controller which controls the pick-up unit to reproduce data from at least one of a burst cutting area (BCA), a lead-in area, a user data area, and a lead-out area of the optical storage, wherein the lead-in area comprises a first area having a first track pitch, a second area having a second track pitch different from the first track pitch, and a transition area provided between the first area and the second area..

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vanessa (Brandi) Coleman whose telephone number is (571) 272-9081. The examiner can normally be reached on Mon-Thurs 8:30-6; 1st Fri off, 2nd Fri 8:30-5.

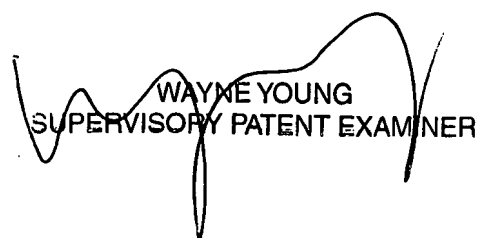
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on (571) 272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Vanessa (Brandi) Coleman
Art Unit 2627

VC


WAYNE YOUNG
SUPERVISORY PATENT EXAMINER